

## DECLARATION AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "Ventilation and Volume Change Measurements Using Permanent Magnet and Magnet Sensor Affixed to Body," the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

### PRIOR FOREIGN APPLICATION(S)

| Number | Country | Filing Date | Priority Claimed? |
|--------|---------|-------------|-------------------|
| NONE   |         |             |                   |

### PRIOR UNITED STATES APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status |
|------------------------|-------------|--------|
| NONE                   |             |        |

### PRIOR UNITED STATES PROVISIONAL APPLICATION

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date        | Status      |
|------------------------|--------------------|-------------|
| 60/412,129             | September 19, 2002 | Provisional |

I hereby declare: All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, and this petition.

**Full name of sole inventor** Stanley M. Yamashiro

Inventor's signature Stanley M. Yamashiro Date Sept 19, 2003

Residence: Anaheim, California

Citizenship: United States of America

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